

THE  
CASE 9.  
Of The

Sheriffs,

For the YEAR 1682.

OR, THE

Third Years Paper

In Regard to the Act for Corporations.

Being the CASE also of the

**Dissenting Ministers,**

In Regard to the Act of Oxford.

In a Second and Third Sheet, together with  
the First Revised, Strengthened, and Reprinted.

Upon more than ordinary pressing Cause, re-  
specting both the Preservation of such Ministers, and  
their People, and the Universal Safety of the Nation.

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*Thou seest Brother, how many Thousands of Jews there are which  
believe, and they are all Zealous of the Law. And they are  
informed of thee, that thou teachest all the Jews which are  
among the Gentiles, to forsake Moles. Do therefore this that  
we say unto thee, that all may know that those things where-  
of they are inform'd concerning thee, are nothing; but that  
thou thy self also walkest Orderly, and keepest the Law.*

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LONDON, Printed for Thomas Parkhurst, at the Bible and Three  
in Church-lane, near Mercers-Channel. 1682.



To those Two  
**Worthy Citizens,**  
Who Shall be  
**CHOSEN**  
**Sheriffs of London,**  
For the YEAR 1682.

**W** *Hether a Cup of Wine drunk by the Lord Mayor, or the Votes of a Common-Hall, according to the Charter, shall have the Preheminence to make a Sheriff of this City, it is but a few Weeks or Days (it is like) will bring into Tryal. This Paper does suppose such an Election: and it is the great difficulty onely, as to the holding Sheriffs in point of Conscience when Elected, that is here concerned. We Dedicate these Sheets therefore beforehand, to those who shall be sollicitod to be Candidates, for their Premeditation, and after to the Chosen. The Reasons from the beginning, for Printing this Case, are as follows.*

1. *To take the Oath, and Subscribe the Declaration in the literal strict Construction, appears, in our*

judgment, unlawful; and consequently, unless by some means or other the sense be made publick in which a man does take them, (and that sense also be justifiable) he must forbear.

2. *The Declaration is against the Consciences of the Nonconformists in general, insomuch as some Men who took the Oath, cannot subscribe the Declaration; and for any Consciencious Men therefore to do it now, and not declare their Reasons of Satisfaction, were to Sin against the Brethren if they own them, or to disclaim them.*

3. *By doing this, a Man shall give occasion to others to follow his Example, and if he present them not in his Grounds or Reasons, those that follow shall do it without the same Reasons, and through his knowledge shall such perish. But when ye sin so against the Brethren, and wound their weak Consciences, ye sin against Christ.*

4. *The Episcopal Party are generally apt to think the Nonconformists to be Hypocrites and Knaves, and say, These Men refuse these Injunctions out of humour, or for their profit, but they will swallow them as well as we for Honour, or for Advantage. If any considerate Men therefore shall Swear and Declare, and not give us some rational Account of what they do, (or some others for them) they must not only wrong themselves, but the whole Generation of such Men, and cause the Name of God (in regard to them) to be Blasphemed.* The



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# The First Sheet,

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Being The

# SHERIFFS CASE.

Whether, and How they may  
Lawfully Qualifie Themselves for their  
Holding the Office, according to the Act  
for Corporations.

**I**N this Act there are Two things imposed, An *Oath*, and  
A *Renunciation* of the *Covenant*. And we must lay  
down this \* *Rule* at first, That all Impositions of our  
Superiours, must be taken in the Sense and Meaning of  
those that Impose them: There need be no Scruple else in  
Submission to any thing enjoyned. The bottom is this; The  
*Law* is the *Will* of the *Lawgiver*; and it is the *Lawgiver's*  
*Meaning*, which is his *Will*, howsoever the Words of the *Law*  
is expressed.

\* To this Rule, there is a double Extreme: The *One* is of those who think, a  
Man must take every Imposition in the strict littleral Construction, and can submit  
to it no otherwise. The *Other*, is of such who suppose, that if a Man can frame any  
Interpretation of his own that is but reasonable, he may take the Words in  
that Sense, and be satisfied. The *first* of these is so rigid, that there is nothing  
can be imposed, but we shall strain at it; and the *last* so loose, that nothing can

be imposed, but we shall swallow it. The true *Medium* is this, We must sit down, and consider what we believe to be the Meaning of the Lawgiver; and if we can submit to an Imposition, in that Sense or Meaning which we believe *theirs*, we must do it; but if we believe their Sense to be such, as we cannot take it in *that Sense*, we must forbear it, and suffer. Pray see more about this Rule, in a Book entitled, *A Peaceable Resolution of Conscience, touching our Present Impositions*, Pag. 121. to 126.

Not that when we *distinguish* the *Words* and the *Meaning*, we do *divide* them. An *Imposition* must be taken in the *very Words*, and the *Sense* of the *Words*, but the *Sense* of the *Words* must be the *Meaning* of the *Lawgiver*: Although there are *Words* sometimes also to be *understood*, when it is apparent either from the Subject-matter, or from other *Acts* where that Meaning is fully, or fuller declared. The *Law* it self now (we know) hath no *Meaning* or *Intention*, but the *Lawgiver*, or They that make it. The *Parliament* here is the *Lawgiver*, and this *Oath* then must be *taken*, and *Renunciation made* in the Sense and Meaning of the Major Part of the *Parliament* which passed the *Act*.

Here we must also premise thus much, That it is not for any *Sheriff*, *Alderman*, or any other Person upon whom this *Oath* is imposed, (for we must begin with *That*) to put a *Meaning* of his *Own* upon it, which is to be taken only in *Theirs* that passed the *Act*; but to consider verily, what he believes to be *that Meaning*, which is indeed the *Lawgivers*. Not to determine neither and say, *This is the Meaning*; but to be able to say, I \* *Believe* this to be their *meaning*, which is necessary to every one that takes it, to determine for himself, that he may act in Faith in what he does.

\* *There is a Court then is set up for every one in his own Breast, Let him go to his Conscience, and ask, What thinks he really, as in the Presence of God, if he could ask the Imposers of these things: whether it is their Will, that he should be of another mind, in these Particulars that cross his Assent, or leave his Station? If his Conscience tells him, it is weily perswaded, that it was their Intention in the Injunction, he is to Honour God in his patient Suffering their Pleasure. But if he is perswaded in his Soul, that this is utterly against their Wills (and was), and that the things he scruples at, or as he scruples them, never came into their Minds unless to admit them, only they passed them in the gross, never intending that they should put a Barr in Conscience to any, and if he could ask them, he believes they would certainly allow him in them: Here he is (I suppose) to put such a Sense or Meaning then upon the Injunction, as may be favourable to his Scruples, and justify it his submission. Ex Libro Predict. p. 125.*

We

We must add, That when we say the *Parliament* is the *Lawgiver*, we understand by the *Parliament*, the *King*, *Lords* and *Commons*; and consequently, that the Sense of the *Law*, (and so of this *Oath*) must be always that Sense, wherein the *House of Lords* did concur with the *House of Commons*, and the *King* with *Both*. If there be any Sense therefore of an Imposition, which may be supposed to be the Meaning of the *King*, and not of the *Houses*; or of *One* of the *Houses*, and not the *Other*; or a *lesser* part of *either Houses*, and not the *majority* of *both*; that Sense must be still lookt on as too narrow, and ought not to scruple the Conscience: the true Sense obliging the *Subject*, being the *concurrent* Sense of the *King*, *Lords* and *Commons*, who as assembled joyntly to this end of Legislation, not *One* without the *Other*, but all *Three* together as *One Corporation* (and not otherwise) are the *Lawgiver*.

Neither is this sense to be collected, from the first floating Apprehensions of any one, that moves a matter in the *House*, but from the digested Thoughts of *both Houses*, after a mature Debate, and the thing hath thrice passed in them *both*; so that no Sense of any Imposition, but that which is agreeable to Reason, and more especially to the Fundamental Laws of the Constitution, must be received as the \* Meaning of a *Parliament*; the Reason being, because the nature of the *Constitution* is such, as it cannot be infringed by an *Act* or *Law* for the *Administration*.

\* When the Scripture is said not to be of private Interpretation, the Meaning is, that we must not put any Sense of Man, upon it, let it be never so reasonable; but we must still take the Sense of the Holy-Ghost, that inspired it; and if you ask, What is, or How shall we know what is the meaning of that Divine Author? The way is to compare one Text with another, and all with the Analogy of Faith, and Oeconomy of the Gospel. We must say the same of Laws. The *Law* is not of *Private Interpretation*, but the *Meaning* of the *Lawgiver*: and if you ask, how we shall know their meaning, we say likewise by this (as one way), the comparing one *Act* with other *Acts*, and all of them, by their Universal Consent with the Fundamental Constitution. See *Ibid.* 125.

This is a Note to be laid in here, that by and by will be needful : And thus much therefore farther, and no less being premised, we proceed.

By *taking Arms*, Let us suppose the *Sheriffs* believe the *Parliament* meant the raising an Army, or War ; and by the *King*, the *King's* own Sacred Person, as there is nothing else indeed can be meant : And we can see no \* Objection, which may not be answer'd from this Little, in the First Clause of the Oath. I A. B. do swear, *That I hold* (These words, *I hold, I believe*, or the like, must doubtlesly be understood) *it is unlawful to Take up Arms against the King*, (His Authority, or Rightful Government) *upon any Pretence whatsoever.*

\* The only Objections here which are of weight, may be reduced to two Cases. One is the Case of *Private* violence, as suppose a Prince should go to Ravish a Virgin, and she catches up the next Weapon or Instrument to defend her self. In this Case, or the like, we answer, this Defence is not to be accounted *taking Arms* in the sense of this Act. The other is a Case of *Publick* violence ; as suppose a Prince should go about to alienate his Kingdom, or ruine his Country, or the like. We answer, we are not for all that to return violence upon his Person ; and as for his Officers, Followers, or Armies, the Solution must be attended in the next Clause of the Oath.

If *David's* Heart smote him for cutting off but *Saul's Skirt*, when he was actually in Arms to defend himself against *Saul's Forces*, only because he was the *Lord's Anointed* : It is not in this first Clause (any one may conjecture) but in the ensuing, where the chief Scruples against the Oath are to be removed.

In the Second Clause, By *those Commissioned by Him*, let us suppose they believe the *Parliament* meant, & could mean, no other than such as have a due Authority from Him, and exercise it only according to Law : And so long as the *King's Authority*, and *such Commissions* are one, (or the same,) we can see no more difficulty remaining in the Second Clause, than in the former : And I do abhor (that is, disown or disclaim) *that Trayterous Position, of taking Arms by his Authority against His*

*His Person, or against any Commissioned by Him, in the pursuit of such Commissions* : That is, *Legally Commissioned by Him, in the Legal pursuit of such Commissions.*

It is not to be imagined, that the *Parliament*, when they passed this *Act*, (that is, the *Major* part of them) should design the setting up an Arbitrary Government in the Nation : But if the meaning of *those Commissioned by Him*, be otherwise than thus, they must design it. An *Arbitrary Power*, as soon as they passed this Clause in any *Act*, must be accounted to *Commence*, or be declared to be alwayes the Right of the *King*. A thing most absurd to be believed, and in the contrary Belief whereof, the most scrupulous Man (we thank God) may resolutely take this Oath.

In the Third Clause, we distinguish an *Endeavour* to change or reform any thing in Church or State, which we think conducive to the good of the Nation in a *Parliamentary* way only, as is allowed by the Fundamental Law and Course of the Realm, from an *Endeavour* in any other way that is not warranted by the same; to wit, in a seditious way, or in such manner *as they did in the late Times*, when they endeavoured the Extirpation of Prelacy by force *against*, and *without* the *King's* Consent in *Parliament*, (which may be believed to be the assured Sense of the Majority in the *Houses*, when they passed this *Act*) and so long *as to do so now*, may be acknowledged (as assuredly) to be unlawful, and what ought to be disclaimed, the offence must be over in the last part of the Oath also : *And that I will not endeavour any Alteration of Government either in Church or State*; to wit, in any manner not warranted by the *Constitution* of the *Land*, or any otherwise, than by *Act of Parliament*.

\* It may be said, the *Parliament* raised Armes, before they declared *Endeavours* to *Extirpate Prelacy*, and condemn the whole *Parliament* War, when they would have us declare it unlawful *to do that Now*, which they did *Then* (or, as *of late hath been Practised*, to use the Words of the Militia *AQs*) : But let this be granted, it follows, *Then* must their Meaning here indeed be, that we are not to *endea-*

vour any Alteration of Government in the *Way they did then* (which, being out of doubt of, the *Sheriffs* can Swear); but nothing more, we are sure, is condemned in *This Clause* of the *Oath*, whatsoever else be intended in the *former Clauses* of it, and the *Militia Acts*, in regard to the *Beginning* of the War, as well as the *Progress* of it; And as for that point, Whether in the peculiar Case of those times, there was any thing might be lawful, or any way justifiable to be done *Then* (when the *King and House* (the One Corporation) were divided, and he had passed an Act not to Dissolve them without their Consent, which is a Case never like to happen any more, and so no danger to put it) which *Now* is certainly unlawful, is a Question we have nothing to do with, and interpose nothing to offend any.

The Preamble of the *Oxford Act*, (where the same Oath is imposed on the *Nonconformist Ministers*) declaring it to be made, for the preventing the Opportunity of their infilling into Folks the Principles of *Schism* and *Rebellion*, may give some Credit to this Exposition: But it is this one clear Reason or Argument we rest upon, for our Confirmation in it. The great Thing intended by this Oath, is the Preservation of the Government, in the Fundamental Constitution, against all Alteration. But the Constitution of our Government being such in the *Foundation*, that whatever is needful or convenient to be altered, it may be proposed to that end in Parliament: to take away that Liberty which is universally radicated in the whole Nation in order thereunto, were a piece of the greatest Alteration that could be, and consequently never to be understood, as intended by the *Lawgiver*.

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As for the *Solemn League and Covenant* (the Renunciation whereof, is the Second thing here imposed) it is an *Oath* so long since in Being, *that*, 'tis two to one but Both the *Sheriffs* that shall be Chosen, (as well as those of late before them) never took; So that they may safely say, there lies no Obligation upon them at all from it; And as for others that did, we humbly conceive, that being taken in it's *Complex Consideration*, as it was pressed and used at that time, for the engagement of the People to the Exirpation of the *Bishops*, and Change of Church-Government without the King, against

His



His Consent and Publick Declarations, and by Force ; it must needs be *Unlawful*, and could not bind any body *to do so* : and consequently we trust, that such Gentlemen shall not offend God, or any good Men, if they farther subscribe this Declaration, which is also required : *I. A. B. do declare, That I hold there lies no Obligation on me, or on any other Person, from the Oath commonly called, The Solemn League and Covenant, to endeavour any Change or Alteration of Government either in Church or State ; And that the same was in it self an unlawful Oath, and imposed on the Subjects of this Realm, against the known Laws and Liberties of the Kingdom.*

We confess here, that these Words, [*to endeavour any Alteration of Government in Church or State*] were put in by the Author, unwittingly thinking them to be in this *Act*, because they are in others, and it passed two Impressions, without any Knowledge of ours, that it was otherwise : But now do we let them stand, *de Industria*, because it appears, they are to be \* understood, both from other *Acts*, The *Uniformity Act*, The *Festivity Act*, The *Oxford Act*, which have the same Declaration with these words in it (wherein we are yet more confirm'd by that *Act*, where it is made a *Premunire* to say, There lies an Obligation upon any from this Oath, the Obligation being expressed, *to do thus*) : As also, from the *Nature of the Thing* ; for so long as the Meaning of the Law-giver is the Rule we go by, let us but suppose we could go to the same *Parliament*, Man by Man, & ask them, Was it your Meaning by this Declaration, that any Man, who took that *Covenant*, should profess, that he is not bound to reform his Life, to repent of his Sins, to eschew *Profaneness*, *Papery*, & *Schism*, or the like things they then covenanted to do, because that Oath in some respect otherwise was unlawful ; the Generality, without Question, would Answer No, by no means ; but our meaning was onely, that there lies no Obligation on any from that *Covenant*, to endeavour to *Extirpate Prelacy*, as it was there, or *any Alteration of Government*, as it is expressed



pressed by us in other Acts. This being supposed then the undoubted Meaning, we go on.

\*The Meaning of a Law (or of the Law-giver) may be gathered from the Preamble of some Acts; the common understanding of the many; the special Judgment of the Wise; the Discourting with some of those that made the Law: which seeing it cannot be with all, or the greatest part, that which seems most satisfactory is, when the same Persons (or *Parliament*) do signify their Mind by their own Words in some other Act or Acts: And this being the Case here, we see not but some men may be as verily perswaded, that these Words are to be supplied, or that this was the *Parliaments Meaning*, as if the Generality could be asked, and they had told them, This it was. However, let the *Medium* be what it will, whereby a Man comes to the Resolution of his Belief about the Imposers Meaning in this or any the like Imposition, when he is once brought to a settled Persuasion and Conviction, that This or That, and no Other was their Meaning, if he can submit to the Words in the full Latitude of that Meaning, as he is fully perswaded in his Conscience, is all they intended in such or such an Injunction; then is he free to his own Determination. See *Peac. Ref.* before quoted, p. 114.

By some of the last words of the Declaration it appears, that this Oath was framed for the *Subjects of the Realm*, (we say, that this Oath (*i.e.* the *Covenant*) was, in the meaning of the Imposers of this Declaration, the *Subjects Oath*, and consequently by the words, or any other Person, they must mean, or any other Subject :) which appears also manifestly in the preamble of it; *We Noblemen, Barons, Knights, Gentlemen, Citizens, Burgeffes, Ministers of the Gospel, and Commons of all sorts, being under the King.* There is one part of it moreover expresse for the preservation of the King; we do suppose therefore, that though an Oath to the same main effect, or one like it, was imposed on this King by the Scots, that Oath must be conceived another than this, and not the very same, being not so in every point, but an Oath indeed (as they call'd it) to confirm the *Covenant*, when He offer'd this very Exception against taking the *Covenant* it self, because it was an Oath for the *Subjects* only.

And that that Oath the King took, was indeed Another, or One purposely framed for Him, any that will, may see in the Form of his Coronation, in Douglas Sermon. I CHARLES, King, do assure and declare by my Solemn Oath, my Allowance of the Solemn League, and engage my self to Prosecute the ends thereof, with other words set down there, p. 19.

And

And this being enough to save the Conscience in *one chief* Scruple, (and chiefest one,) we will gather up again what is said before into one Argument (which we fix upon) for a fuller satisfaction in regard to *all others*. To own the *King* and his Authority in the same *Oath*, and yet to swear to change the Government *without His Will*, and *against* it, is (we think) *in it self unlawful*. Such an *Oath* was the Covenant; and *Qua* unlawful, it must be unobligatory.

And what indeed shall now hinder these Sheriffs to subscribe, That there lies no obligation upon them, or others, from the Covenant, *to endeavour any Alteration of Government*, in that sense as they swear before, that they *will not endeavour any*, in the third clause of the *Oath* preceding? For so long as the meaning of the Lawgiver, is no other than *That* which is made to appear there, upon the account given, and the *Endeavour* which is here, and which is there, is the same out of doubt, we do not see but the Reason which does satisfy any Man upon the Point about taking the *Oath*, must be sufficient for the *Declaration* also. In short, *There lyes no obligation upon any from this Oath, to do as they swore it; It is in it self unlawful to do so; and the Imposition of it was \* illegal.*

\* It must be confessed, that the voluntary Omission of these words that are to be understood in this *Declaration*, and the designed Opposition to the whole Proceeding of the *Parliament* in those times, without distinguishing Right from Wrong, in the *Oath*, and the high Strain of the *Militia Acts*, which seems to dispossess the Subject of all Defence, against any Commission of the *King*, be it what it please, are enough to make any searching Man indeed believe, that the Meaning of the *Contrivers, Hatchers, and Compilers* of such Impositions, who for promoting their own Interest could find in their hearts to be Villains to the Common-wealth, and the Souls of Men, was more than thus: But we Answer, By distinguishing onely, *These* are not the *Lawgiver*. The *Lawgiver* is the Generality of *Both Houses* with the *King*, who are never to be supposed Underminers of our Rights, or to have any evil Meaning, but to convene for Consultation about the Common Good; and whatsoever Laws do pass, they are to be believed to carry in them the Reason of Publick Benefit, or else they are no Laws. *Quod non habet rationem publici commodi non potest præcipi lege humana*, say the Schools; and it is a Rule laid down to satisfy all by the Lord Coke. *Quando Lex generaliter loquitur restringenda tamen est ut cessante ratione & ipsa cesset; Cum enim ratio sit animæ vigorq; ipsius legis, non videtur Legislator id sensisse quod ratione careat, etiam si generalitas prima facie aliter possit suadere.* Institut. Par. 4. C. 74.

In the Sacred Story concerning *Rahab* and the *Spies*, it appears that no body can be engaged any farther by an *Oath*, then what he agrees or consents to in the taking it. Where he declares before-hand he will not be bound, he is free. We cannot tell how much *larger*, or how much *narrower* a *Compass* others may draw to themselves from that *Instance*, than we: But we will come to this Conclusion. We have laid down the *Rule* we are to walk by in these *Impositions*, and applied it to this *Oath* and *Subscription*. If any Man is persuaded in his Conscience, that the Meaning of the *Lavgi-ver* was no more than thus, he may submit to them Both, and make no stand: But if he believes their Meaning was otherwise (or doubts that it was more than thus,) he cannot *Swear* or *Subscribe*, but with *Limitations*; and he must declare those *Limitations*, or *Forbear*. But if he shall *Swear* or *Subscribe* (supposing him one that doubts) with *making a Declaration* for himself (if this Paper will not serve for *All*) when he Takes the *Oath*, and Subscribes the *Renunciation* enjoyn'd, that he does it *in this Meaning*, which we have all along expressed, supposing it true, and with these *Explanatory Limitations* to the meaning, if in any thing indeed it be otherwise, and so give (or throw) in this Paper to the Persons before whom he is to do it; we are persuaded, that his *Conscience* may receive Satisfaction thereby in his compliance with the \* *Law* in these *Impositions*.

\* In Mr. *Baxter's* Funeral Sermon upon that holy Citizen Mr. *Abburst*, we take notice of this passage. Some may think that he wanted a *Publick Spirit*, because he avoided being a *Magistrate*, and payed his *Fine* rather than take an *Alderman's Place*; but it was only to keep the Peace of his Conscience—Yet I never heard him speak unworthily of those *Worthy Men* who do what he refused, supposing that they, in words or writing, declared as openly as they swore and took the Declaration, that they took it but in such or such a lawful sense; though he could not do so himself.

Whether they receive the Paper, and admit of your sense or not, it is no matter; for they have no Power about it, and the thing will be alike known. And thus have we lent our hands to get the Concern'd over these blocks, and yet so, as to deliver also our Souls.

The

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# The Second Sheet.

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Being The

# MINISTERS C A S E,

WITH THE

# SHERIFFS,

In Regard to the *Five Mile Act* of Oxford.

**B**Y the Act at Oxford there is this Oath enjoyned every Nonconformist Minister, upon the Penalty of debarring him the coming within Five Mile of any Corporation. J. A. B. Do Swear, that it is unlawfull to take Armes against the King, upon any pretence whatsoever: And that I abhor that Trayterous Position, of Taking Armes by the King's Authority against his Person, or any Commissionated by him: And that I will not at

any time Endeavour any Alteration of Government, either in Church or State. In which Oath there are three Clauses.

The First and Second Clause of it, comes to this, That *it is not Lawful to take Armes against the King, or any Commissionated by Him, upon any Pretence ; No, not upon the Pretence of His Authority in the Law. It is a Trayterous Position, to hold even that lawful.* And all this is true, plain, and to be granted, as soon as we do but understand onely what *to be Commissionated* is. To be *Commissionated* by the King, is to have his Authority, or Authority from him, to do such a thing. If we take Armes against one that does do any thing by the Kings Authority, we take Armes against His Authority, and that is all one with taking Armes against the King ; and consequently, to declare it unlawful to take Armes against the King, and against those *Commissionated by him*, is in effect also but the same. The Authority of the King, and His Person, are both alike Sacred, and both these must be held alike *inviolable* on all hands. The question then only will be this, What is the King's Authority ? Authority (*Potestas*) is *jus imperandi*, a Right or Power to command : This Right or Power is given the  
King

King by Law. It is the *Law* makes the King, (says *Bracton*), *Lex facit Regem*; the meaning whereof is, that the Authority which the King hath, can be no other but what the Law does grant him. The Government (we know) with us is *Regal*, and not *Despotic*, and the King's Power, a Power onely to Govern by the *Laws*. If the King then shall Commissionate any to do that which is against Law, that Commission is void; it is a *Writing*, but no *Commission*; that is, it is *without Authority*; For the King hath none to give against the Law, but For the Law, who is the *Executioner* of it. For a Man then to act in such a Matter wherein the King hath none to give, it is in vain to plead a Commission. If he be taken, and punished, he must thank himself: this is no resisting the King, or any *Commissionated* by Him. For instance, a Prince gives Commission to Levy Money, without a Tax by *Parliament*; His Officers or Souldiers come hereupon, and takes a Mans Goods; the Man runs for the Constable, and the Constable Charges the Neighbourhood in the King's Name to assist him, and so apprehends them, and brings them to the Justice; the Justice send them to Goal; and then the *Judge* Hangs them: And all this is justifiable, because



cause such Authority is none ; and they being therefore no *Commissionated Officers*, are but *Theives* and *Robbers* ; who, when the *King* can do no wrong, yet they do, and are justly Executed for it. We see then here plainly, how we may declare it unlawful to take Armes against the *King*, and against those that are *Commissionated by Him*, upon one and the same Reason : For when no Man may take Armes against the *King*, or his *Rightful Authority*, and no body is indeed *Commissionated by Him*, but he that acts according to the Law, and so hath his Authority ; it is, and must be unlawful to take Armes against those that are *Commissionated by him*, as well as against *Himself*. Notwithstanding that, if any act against the Law, and plead his Commission, they be resisted by the Law, because such are not indeed *Commissionated by him*.

For the third Clause of the Oath, the Constitution of the *English* Government is such, as every Freeman hath a fundamental Liberty by the same, to endeavour the Redress of any Grievance, which he feels in the Administration ; which Administration comprizes under it the whole Government of the Church, as External, and may make any Alteration thereof, when Monarchy it self belongs to the Constitution.



on. This Part then of the People, which they have in our *Government*, reaches thus far. The Body do choose their *Burgesses* for *Parliament*; they may inform them of these Grievances; we may Petition them for *Alteration*; we may out of doubt, pray to God for their Success. Our *Representatives*, then are to prefer the Bills, and get them passed, if they can do it. Thus much (let us say) is the *Right* of the People, no less than the *bearing the Sword*, (that is, the Execution of the Government) is the *Prerogative* of the King, or a Negative Voice is the *Privilege* of *Both Houses*. It is not now ever to be imagined therefore, that it was the Meaning of a *Parliament*, to divest any *English-man* of this Right, to which he was Born, because he is a *Nonconformist*; neither can they indeed do it. It is not to be imagined, that an *Endeavour* for the Government to act, or to exercise its proper acts, or to put its proper Power into Act, which is but to keep it alive, or keep it in motion, should be that *Endeavour*, which the Majority of *Parliament* would have abjured in this Oath. It is not to be imagin'd, that the *Parliament* when they go about to preserve the Government from any *Alteration*, should have any such Meaning, as must destroy its very *Constituti-*

on. We determine consequently, it must not be an *Endeavour* of any Alteration (supposed needful) in this way, that is, in a *Parliamentary* way onely, which they intended we should renounce; but all *Endeavour* of altering Government in any other way or manner, than what is warranted by the Fundamental Law of this Kingdom. And if this Radical Liberty be left us, we see how we *may*, and *must* do as much towards Reformation of the Church, after such an Oath is taken, as we may, or can do before we have taken it. We cannot endeavour any thing in a Seditious way, but we sin against *God*, and the *King*, which we dare not do; and the way which is lawful to be taken, is open to us still. It follows, so long as we go by the Meaning of the Lawgiver, which is the Rule laid down to go by, we may both take the Oath, and it will do us no hurt to take it.

For Surplusage, it was proposed in the *Lords House* upon occasion of the *Test*, and agreed upon generally, that the Meaning of the Commissionated was *Legally Commissionated*, though they thought it not best to put it into a Bill for some prevailing Reasons. The like was in the *House of Commons* also, as it is said. Now though a *Vote* of either *House* be not enough

nough to repeal a Law, it is enough to tell us the Meaning of the Lawgiver, which does resolve this Case of Conscience : Unto which, when we can add this also, that it is known to some, that the *King* hath said it Solemnly more than once, in publick, and in private both, that he was not for an Arbitrary Power, but such an one onely, as the Law gives him, (we mean in words to that purpose) what is there any Man can desire more for his full Satisfaction in this Matter ? What hinders, but this *Oath* may be taken ? And when they had read the *Epistle*, they Rejoyced for the *Consolation*.

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The

# The Third Sheet.

With Respect to the  
**More Scrupulous,**  
 WHETHER  
 Sheriffs, Ministers, or Others,  
 That are Concern'd,  
 For their Fuller Confirmation about the *Oath*.

**W**E are not insensible of what moment an *Oath* is, and the *Declaration* enjoyned, who have set our selves, as in the presence of *God*, that must give an account before his Tribunal for every Word that we write, in our Undertaking so solemn a Determination as this is. We warn every Man therefore, to be true to our Rule, and to take heed that he acts nothing, till he is first perswaded in his own mind of what he does; For while we endeavour to give a Resolution to the Conscience, of others, we must have a care of our own Souls.

• There are two main *Objections* in the Case.

The *First* is this. The *Oath*, and *Renunciation* of the Covenant, which are here imposed, seem to be framed in direct Opposition to the late *Parliament-Cause*. The *Parliament-Cause*

Cause stood upon this Foundation, That the Law is above the Will or Commissions of the *King*; and that they might therefore, by vertue of the Law, that is, by *the Authority of the King*, take Armes against his Forces. The *King's* Party (we may apprehend) held the contrary, That the Militia being in his hands, it is unlawful upon any account to resist the *King's* Commissions. Upon the *King's* Restauration to his Throne, a New *Parliament* is called, and they by this *Oath*, and the like Impositions, are supposed to decide the controversy. When we are put therefore here to renounce the Position of taking Armes by the Law, or the *Kings* Authority, against any Commissionated by him, we must (upon this supposition) conceive the *Parliament* meant, that Position should be abjured, whether those Commissions be Legal or Illegal; for otherwise the Controversy is not decided. The Position of taking Armes by the Authority of the Law, against any Commissionated by the *King*, was not maintained on the *Parliament* side, but onely in Case those Commissions were against Law; and unless we renounce the Position of taking Armes by the Law, against all Commissions, though illegal, we renounce not the Position of that *Parliament*.

To this *Objection*, we Reply in the *First* place; If the *Parliament* must be conceived to put thus much upon us, then must we believe that they took this for granted, that no Commission of the *King* indeed may be resisted, whether according to the Law, or against the Law; and if so, that the *King's* Commissions consequently must be above Law, and his Power Absolute. But to believe, that any *Parliament* should intend to allow the *King* such a Power, is quite beyond sober Reason. Let him believe this who can, upon mature Deliberation.

In the *Second* place, we say therefore, There is here two or three Suppositions, that are not to be yielded. It is but a false Supposition, that the *Parliament* intended a Decision

of the Controversie between the *Kings* side, and *Parliament* side, by this Oath. It were a very inadequate Intention. It is a false Supposition, That this was any of the Controversie between the Judicious (or those that understood themselves) of both sides, who did certainly agree in this, That the Authority of the *King* is Royal, not Arbitrary; and consequently, that his Commissions are valid, when according to Law, and not else. It is a false Supposition again, That those few Men that contrived these Impositions, or compiled these *Acts*, were the *Parliament*. 'Tis true, that what is here urged may be sufficient to suggest to a Man a belief, That the Intention of those that were the Contrivers of these *Acts* (this Oath, and the *Militia* Preambles) might be no less, than to make the *Kings Will equal to Law*; at least in the Matter of the Militia: but we say, and have said in the *Margin* of one of these Sheets before, That these Contrivers or Compilers (a few mischievous Men perhaps) were not the *Lawgiver*. The *Lawgiver* we have premised, and set out in the first Sheet, in the beginning, with advantage against this Supposition. We are by no means, to think that the Majority of the *Two Houses*, as they agree to an *Act*, could consent in this to make the *King's* Commissions above, or equal to Law, which were to change the Government which is *Regal*, into *Despotical*. The Law is the *Will of the King, in conjunction with his Parliament*; His Commissions are His *Single Will* only, and therefore less than the Law is.

In the *Third* place, we answer hereupon, That if an apprehension from this *Argument* should sink into the Mind of any particular Person so far as to persuade him to think it *probable*, that this was the meaning of the *Parliament*; yet if a contrary Apprehension sink deeper, or another Argument be more prevailing, he must follow the more Prædominant Conviction. But there is no *Argument* so *probable*, but, that an *English Parliament* should intend to make the *King* Arbitrary, is more *improbable*. That they never meant this, will have the deeper impression.



In the *Fourth* place, We may therefore believe rather, that the *Parliament* thought not of these Positions, on both sides, and the determination of them, (which indeed is not to be imagin'd of the Majority, whatsoever the Contrivers, or a few, might do) but in general, they thought of such a Position, which in the ill Construction they would have abjured; or they intended to decry the Position upon which War was raised, but in such a confused Understanding of it, as that they would have it renounced indefinitely, without intending the Renunciation of that implicate Truth in it, which they on all sides hold to be the very Fundamental Right of the *English* People, according to the Constitution of the Kingdom.

In the *Fifth* place, we will enlarge a little this *Answer*, The *Parliament-side* ('tis true) held it lawful by virtue of the Law, (that is, by the *Kings Authority*) to resist such as are in Commission by the *King*; but the *Wise* of them could distinguish the Case, when these Commissionated did act according to Law, and when they did things contrary to Law; and though they held it lawful in *One* Case, they did not hold it so in the *Other*. The *King's* side, on the contrary, held it unlawful to resist the *Kings Commissions* by his *Authority*, or by *Law*; but the *Wise* of these knew how to distinguish likewise these two cases; and it is not to be beleived, but such as Judge *Jenkins* (who declares the Laws to be above the *Kings Commissions*) knew and held, that in case any should come by the *Kings Commissions* to take our money by force, without an *Act* of *Parliament*, or the like, they might legally be resisted. Now, when such a Position of the Unlawfulness to take Arms by the *King's* Authority, against such as are Commissionated by Him, is required to be renounced, it is necessary to distinguish accordingly, in regard to the meaning of the *Parliament*: For though some might be willing to have it renounced universally, they that understood themselves could not be of that mind: And if we could go to them all, and ask them one by one, Whether they understood the *Oath* so as that they would have



have it held unlawful to resist the *King's* Officers, or Forces, that came particularly to raise Money, without any *Parliament-Tax*; who can beleive, the Majority would say, it was their meaning? I do not think one Man of the whole Company would have the face to say it, whatsoever privately he intended. When the Position then is indefinite, but in a matter necessary to be distinguished, and the Question is, What was the Meaning of the Majority? it can come only to this, That they would have the Position renounced in One Sense, and that Sense must be such certainly, as the Government of the Nation, which is *Regal*, may be still maintained, and not turned to *Tyranny*; for the Generality, beyond doubt, never once intended to do that by any of these Impositions.

In the *Last* place, We will add this, to strengthen us in the rest. That it is unlawful to take Arms against any *Commissionated by the King*, according to Law, is a Sense wherein the *King*, and the *Two Houses* must agree, out of doubt: But that it is unlawful to take Arms against any *Commissionated by Him*, if they shall come with a Commission to do that which is contrary to Law, it was not the Sense of *Both Houses*, we may be sure, because the *House of Lords* (as we have said in the *Second Sheer*) declared, That by the *Commissionated*, they all meant *Legally Commissionated*: And also, which is more, when it seemed not fit (for Reasons otherwise, which they had) to have that word [*Legally*] put into the *Oath*, (though they agreed in their Judgment, *Nemine Contradicente*, that it was meant) they threw the *Test* out of the *House*. Had the Major Part been of the mind, that the *Commissions* of the *King* may never be resisted, Why should this Clause be explained? Had not the Major Part been of another mind, Why did not the *Test* pass? Now, if a Man be but assured, that any one of the *Houses*, or the *King* alone, be against such or such a Sense, it is enough to conclude for the Negative, *This was not the Sense*:  
When

When a Man must find out such a Sense as that, wherein we can believe they all Three did agree, to conclude for the Affirmative, that *This was it*. The Reason of this was premised at the Beginning of the *First Sheet*.

And so much for the First Objection, the Second follows. By *Government of the Church*, we understand not *Episcopacy* only in the Substance, which the *Scripture* approves; but our *Diocesan Episcopacy*, as now Established: Neither do we distinguish between Alteration in the *Government*, and of the *Government*, to come off so, which were Childrens Play. No, if any shall go about to take away the *Bishops Courts*, or *Officers*, as their *Lay-Chancellors*, *Commis-saries*, the *Arch-Deacons Courts*, their *Canons* by which they act, or any of their *Established Authority*; This we account an Endeavour to alter the Government. Now, when these are things we would have altered, how can we swear we will not Endeavour any Alteration of Government in the Church? How can this Oath be taken?

For Answer to this, we have in the beginning laid down our Rule, and we must have our Recourse to it, and accordingly we must consider, what indeed we verily believe in our Hearts the Lawgiver intended. Was it their Meaning then, by such Impositions to fix the Church so, as nothing of this kind should ever be altered, though by *Parliament*, and though there should be never so much Reason for a Redress? We cannot think so far; and if they intended not this, then cannot All *Endeavour* be understood here, (*viz.* that which is such only) but an Endeavour otherways. Their Meaning must be to debar us all Endeavour of altering even such things as these in any way, but this only, (the way of *Parliament*) which is warrantable by the Constitution of the Kingdom. This we have said, and must say it over. A *Parliament* is never to be believed to consent to that which is not in their Power. The *English Government* is such in its Constitution, as that Part thereof, so far as this comes

comes to, (an Endeavour to alter such things as these, when they are Grievances) does still lie in the Body of the People; and the Meaning of a *Parliament* must never be construed so, as to destroy that Liberty, which is Fundamental to the Kingdom. That which belongs to *Every Body* by virtue of the *Constitution*, (we must inculcate) cannot be taken away from *Any* by a *Law* for the *Administration*. 'Tis true again, perhaps, that something in this Objection, as in the former, may be expressed, as to make some Men believe, that the Contrivers of this Oath had yet a farther Meaning, and might intend to bind us so by it, as to retrench this Liberty; but we are to break those Bonds, and cast away their Cords, by remembering only, *These* are not the *Lawgiver*. The greater Number is the *Parliament*, and they are to be believed always to have a fair and equal Meaning in their Acts, and never disagreeable to the Fundamental Constitution. We will add,

As for the very *Contrivers* of these *Impositions*, those few malicious Men that designed by them to exclude such as are now *Nonconformists*, they must be thought yet to intend the Admission of the *Loyal Party*, and the Judicious and Conscientious among them that suffered for the *King* more especially. But if the Meaning of these Injunctions be otherwise (in the *main purpose*) than we interpret them; Those Judicious and Conscientious Men of the *Conformists* themselves, could not submit to them. It will follow, by the leave even of the *Contrivers* of these *Acts*, that the meaning which we offer (whatsoever they might harbour in their *By-purpose*) must be indeed the *Meaning* of the *Lawgiver*.

To confirm this, which hath been said above (we confess) as well as here, we will suggest something for new Strength to it. In an Act of the *Thirteenth* of the *King*, there are two things may be inquired. One is, Whether Petitioning in the Case of *Grievance* (for so much, at least as these things we speak of) by any, not exceeding the number of

Ten,

*Ten*, is not allowed the Subject? Turn to the Statute-Book, and examine it; and if it be, then could not *All Endeavour*, but such only, which is not *permitted*, be intended in this Abjuration, by that *One*, and the *Same Parliament* that passed both *Acts*. The other is, Whether after it is there, *Cap. 1.* made a *Premunire* to say, That there lies an Obligation upon any from the Covenant, to Endeavour the *Alteration of Government in Church or State*, there be not yet an express Exception, as to all *Parliament Speeches*, and *Endeavours to repeal Statutes*, or *redress Grievances*? And if there be, then cannot any one use his Reason, but he must believe our choosing *Parliament-Men*, this *Petitioning* them, and doing the like things which lie in our Sphere to do, in Order only thereunto, are also included. It follows still, that it is an *Endeavour* consequently in some other way, and not this, (which is Parliamentary, and granted) must be that which the *Parliament* intended we should abjure, when they put us upon such Impositions.

To enlarge here a little. In that *Decimo Tertio*, *Car. 2. Cap. 5.* After it is enacted, That no Persons shall procure Hands above the number of *Twenty*, to any Petition for *Alteration of Matters Established by Law in Church or State*: we have a *Provided always*, That this Act shall not be construed to extend to *debar*, or *hinder any Person or Persons*, not exceeding the number of *Ten*, to present any *Publick Grievance* to any *Member, or Members of Parliament*. There are Two Questions now will here go to the Quick. One is, Whether under these *Matters Established by Law*, there be any Exceptions to be understood, and what are those Exceptions? And we must distinguish (we think) thus only. *Matters Established by Law*, are such as belong to the *Constitution* of the Government, or the *Administration*. Those *Matters*, or *Laws*, which belong to the *Original Constitution*, (that is according to what the People, at first (we must suppose) agreed, when they consented to a Government) are not indeed within the

Cognizance of a *Parliament*, to *Alter* them; and for that reason, such *Matters* must be excepted: But as for any *Matters Established by Law*, that belong only to the *Administration*, there is no Exception to be apprehended, when the Words are so general without any Limitation. If any other Law or Statute be pleaded for putting in such Exception, it must be answer'd by the Distinction offer'd: There are no *Matters* (we must say) excepted by any other Statute, or rather *can* (with reason) be excepted, unless they belong only to the *Constitution*, and not the *Administration*. The Other Question is, Whether the taking away any of the *Authority* of the *Bishops*, and *Arch-Deacons* Courts, their *Officers*, *Canons*, and the like, is such an *Alteration* as belongs to the Administration of the Government in *England*; that is, Whether it comes within the Cognizance of a *Parliament*, or is in their Power to do it? We know, that such a thing as the Changing of our Monarchy into another sort of Government, were not to be proposed to *Parliament*, being out of their Cognizance, if the *King* and the *Houses* were willing to have it: But do the *Bishops*, and their *Courts* stand upon the same Foundation? 'Tis true, that *Magna Charta* may be pleaded; but *Magna Charta* it self is but a Law for the Administration. It is, beyond all doubt, in the Power of the *King*, and His *Houses*, (*i. e.* the *Parliament*) to regulate the whole External Polity of the Church, and so take away *Diocesan Episcopacy* it self, if they pleased: And can any one indeed question, whether the taking away some *Power* from their *Courts*, or some *Officer* belonging to them, or the like, (which yet were to *Alter* the present Government of the Church) is not within their Cognizance, or that this *Matter* is not contained in those *Matters Established by Law*, that in general may be *Altered*; and, in case of Grievance, be *Petitioned* for, to be *Altered*? And if this be still permitted, the People, according to the Statutes made in the Reign of this King, then could it not be the Intent or Meaning of this



this *Parliament*, that All *Endeavour* to *Alter* the *Government*, when any thing is grievous in the Church, should be *Unlawful*; and when we are brought to distinguish of such an *Endeavour* of *Alteration*, which is *Warrantable* by Law, and that which is *Unwarrantable*, then are we come to the right Understanding of the *Lawgiver's* Meaning, (*viz.*) That the *Endeavour* which they require us to abjure in the *Oath*, is the One, and not the Other. This is what we say all along, and stand upon it. *Reader*, lay thy Hand upon thy Heart, and as thou believest this *Interpretation*, or believest it not, either *Take* or *Forbear* the *Oath*, in the Name of God.

And what think we (after some pause upon this) of those *Sheriffs* and *Ministers*, who are *Conformists*? Are there not many of them (which is before hinted) Men of Reason and Conscience, judicious, and that fear God? And in what sense (judge we) have the *One* subscribed, according to the *Act of Uniformity*, the same words which the *Other* swears according to the *Act for Corporations*? It is strange, the *Non-conformist* should make such a stand at that Sense of the Oath and Subscription proposed in this Paper, as singular and doubtful, which the *Conformist* receives as the undoubted and common Sense of the Kingdom, with all the Judges and Lawyers of the Realm. If they received not this Sense, they would refuse them no less than we; and if we received it as freely as they, we should submit to them as they do. In like manner, for renouncing the Covenant, What is it also they intend by it? Is it not this, that the Covenant was an unlawful Oath, and therefore binds no body? But let us ask again, do they think that the Covenanting to maintain the *King* (which indeed helped to bring him in again) and the *Protestant* Religion, and to Reform our Lives, or the like things, is unlawful; and that therefore no Man is bound thereunto? Certainly, they cannot think so; but the Covenanting, to Change the Government, or *extirpate Prelacy*, and that *without*, and *against* the Will of the *King*, (which is consequently in a way Un-

parliamentary) this is it they judge unlawful, and that such an Oath can oblige no body. And is there any *Nonconformist*, that understands himself, who does herein disagree with them? In the name of God then, let us come to a right understanding on both sides, of the *Oath*, and of the *Declaration*. Let the meaning of the *Oath* be no more than this, *that it is unlawful to take Armes against the King, or his Authority*, any where exerted according to Law; and that we will never go about to make any *Change, either in Church or State Affairs*, but by *King and Parliament*. And let the meaning of the *Declaration* also, be no more than this (as in the *First Sheet*,) That, *there lies no Obligation upon any from the Covenant to do as they Swear it; It was unlawful in its self to do so; and the imposition of it was illegal*. And when we come to an *Agreement in the sense*, what should hinder us, but we may come also to agree *in practise*, and do, as one another?

If any Man indeed remains yet unsatisfied in his Conscience, to do as the *Conformist* does, (it may be only because he does it) we charge him, notwithstanding all this which we have said, to forbear: But if indeed he be satisfied as to the Sense, and pretends dissatisfaction in his Conscience, and fear of losing his Soul for the saving onely of his Purse, we must in this Case (or in this Cause rather, at this season) lay upon him this Charge also, that in refusing his Compliance with the Law, he must give an account to God for the refusing his Duty with it, both to him, and to his Country.

For our selves, if our Arguments satisfy any Man, and so he complies, we edify that Man, and not scandalize him: If they do not, and he forbears, we do him no hurt. It is a Mans own Conscience, is the Discerner to him of his Duty, and he is not to regard another Mans any further than to avoid active Scandal; which upon such a warning, that no man follow his Example, unless he be satisfied with his Reasons, he does prevent as much as he can, in this business.

We have done after one Acknowledgment, That the *Ma-*  
*terials*



*terials* of these Sheets are borrowed very much from a Book (that one of us does think, he may make bold with), whose design is greatly to offer such a kind of *Resolution* to the *Conscience*, touching our *present Impositions*, that both they that *Conform to them*, and they that *cannot*, may see reason to retain a fair Opinion of one another, and to hope that neither of them do wilfully depart from it, in what they do. The Book was written many years, but Printed only about three since, and is quoted in the Margine of the *First Sheet*. We have reason to tell this, both because that which is here offer'd may not appear to be written (as some may think) only to serve an Occasion, having been really the fruit of several years digested Thoughts; and also because we may not be ashamed, if we should confess, that we had used that Book, and made this Collection to serve so honest an End. For, if our Conscientious and Substantial Citizens be put off Publick Offices, and the Ministers be discharged their Congregations, upon the account of these Impositions: Either the Snare must be broken by a general Reception of such a plain, clear, open Interpretation of them as is here presented to all Men, or they will hold us to these Grindstones, and we shall, both in regard to Soul and Body, to Religion and Property, first or last, be all undone. Now, *when Mattathias, and his Friends understood hereof, they mourned for them right sore: And one of them said to another, If we all do as our Brethren have done, they will quickly root us out of the Earth.*

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# THE POST-SCRIPT.

**H**AVING Printed the First of These Papers, or Sheets, Two years, and now Reprinted it the Third year, with Amendment of some things, in the leaving out what I judged insufficient, and supplying what I have thought needful to confirm that which is sufficient: I have added two new Sheets, or Papers, to the same, in regard to the urgency of the present Season, with the same Heart, and to the same Purpose, as at the beginning. We all know, by our own Experience, how necessary it is for the same Notions to be presented in a various Application, according to the Doubts and Objections which are raised in Mens Minds, for the giving Satisfaction to those, whose Consciences are really tender, and who dissent from others, meerly out of the fear of Heaven, and not out of Humour.

I think, I have chose the Charitable Side; and that to write thus as I do, at this Season, is not onely one of the acts of Spiritual Almes, or Mercy, but a peculiar serving my Generation. I cannot tell why, but I find my Spirit is cherished toward God, in this little Service, more than it uses. If it were onely present Heat, upon a new thing, I should not take this notice of it: But when this Subject is (as it were) cool, and no more affecting, than the inward Testimony it brings with it, as to my hopes, it will do good, I cannot tell but such Impressions may abode something. I wish, it be not this, that these Impositions will be continued, and pressed upon us yet with more Rigour; so that many good Men shall have Occasion for this Paper, that now think not of it, and be glad it came abroad at this Season, when hereafter no Man perhaps, may be found that dares to attempt the like.

I know, that as the Errata of a Book can have no Amendment, when the Book it self can; so cannot I my self see my own weaknesses, or Failings,  
when

when the Reader of these Sheets (that sees more than I) may discover them. But so far as I can judge, according to the Tenuity of my understanding, there is more said in these few Sheets to the very Purpose, to which they are writ, than hath been said by others, or any where, unless by the same Paper; and I hope, that which is said, is full and satisfactory. The proud Man, that would be praised in what he does, does ordinarily dispraise himself, that others may commend him: But I speak of my own Paper, as I would of Another's. It is a great many thoughts I am sure, even the thoughts of many years is digested into these few Sheets; and I do not offer my Brethren, that which cost me nothing.

As for my writing under a Plural Name, the Reader must know, that though it be One is the Compiler, or Author of these Sheets altogether; it is more than One consented, and consent to the Publication. The first Sheet, after it was done at first, was shewn to a Great Person particularly, whose Understanding and Faithfulness, the City generally can trust in such Matters, (for it was thought good by one of the Sheriffs chose for that year, I should do so) and he advised that the Paper should come out thus, and not in the Name of a Single Person. He had it a Day or two to Read, and changed nothing otherwise, but gave this judgment of it frankly, It was well done: My Brethren, to whom I shewed it besides, were not like to contradict what he advised, but thought it very prudent, and it came out accordingly.

I must give notice now, that P. 9. l. 20. the word [it] which is fallen out at the Press, must be carefully preserved, lest you mistake the Sense.

Note also, That in the Marginal Note, p. 5, there is the Nominative Case wanting to the Verb Condemn. Read therefore, and the imposers of this Oath condemn, &c.

Note, moreover, that there needs some farther Explication in the place: For suppose a Man to be satisfied in all other Scruples but this One, that he apprehends in the late Times, the Parliaments Cause was the right, and not the King's, and he cannot therefore take the Oath, because he thinks he shall thereby Condemn that Cause. The plain Answer to this Man is, that though he cannot but believe, that the Major Part of the Houses that passed this Oath, were of a contrary judgment to his; yet is he not to think it was their intent, that every one who takes this Oath should meddle with that Matter, and Judge of that Cause, so as to condemn one side, and justify another: but that he should onely judge, think, believe, and declare, that to raise another War; or do now as they did then (as we speak) is unlawful; and he that does not Judge so, or cannot discern this, must forbear to take the Oath, out of Question. The Summa Potestas in  
this

*this Land, lies in the King, and his Two Houses, as one Corporation, (we have intimated) and when they were divided, a Man may judge the Constitution Dissolved, and the People at Liberty; and consequently, that they might then do that, in that peculiar Case, which can never be done out of it, without resisting the Ordinance of God; which to do, we know is Sin. This is the Answer to that Scruple, being more darkly there expressed.*

*There remains only, that I supply here the Fifth Reason (according to the First Paper) for Printing these Sheets, that for want of Room was left out in the Epistle.*

It pleased Providence to call some Persons to the Office who have been the better inabled (to speak modestly) to Hold the same, upon the satisfaction which is couched in this Paper; and if it be of great Concern at this time, that such Men do Hold Sheriffs, who are willing to deny their *own* Advantage, (not seek it) for the sake of the *Publick*: It is yet of greater concern that by the publishing our grounds for their satisfaction, many in distress about the *Oxford Act*, may be relieved, and a Way opened for many of the like substantial Citizens, of known Piety, Loyalty, and Ability, to be brought into Corporations, throughout the Nation, to the great service of the King and Kingdom.

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F I N I S.

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E R R A T A.

Page, 9. line. 20. read. *Sware it*, p. 24. l. 9. for *expressed* r. *so pressed*.



THE  
CASE  
Of The  
Sheriffs,  
For the YEAR 1682.  
OR, THE  
Third Years Paper

In Regard to the Act for Corporations.

Being the CASE also of the

**Dissenting Ministers,**

In Regard to the Act of Oxford.

In a Second and Third Sheet, together with  
the First Revised, Strengthened, and Reprinted.

Upon more than ordinary pressing Cause, re-  
specting both the Preservation of such Ministers, and  
their People, and the Universal Safety of the Nation.

*Thou see'st Brother, how many Thousands of Jews there are which  
believe, and they are all Zealous of the Law. And they are  
informed of thee, that thou teachest all the Jews which are  
among the Gentiles, to forsake Moles. Do therefore this that  
we say unto thee, that all may know that those things where-  
of they are inform'd concerning thee, are nothing; but that  
thou thy self also walkest Orderly, and keep'st the Law.*

LONDON, Printed for Thomas Parkhurst, at the Bible and Three  
Crowns in Cheapside, near Mercers-Chappel, 1682.

57-

Revised  
152



THE

CASB

OF

Shells

THE

THE

Third Year

THE

To those Two  
**Worthy Citizens,**  
Who Shall be  
**CHOSEN**  
**Sheriffs of London,**  
For the YEAR 1682.

**W**Hether a Cup of Wine drunk by the Lord Mayor, or the Votes of a Common-Hall, according to the Charter, shall have the Preheminence to make a Sheriff of this City, it is but a few Weeks or Days (it is like) will bring into Tryal. This Paper does suppose such an Election: and it is the great difficulty onely, as to the holding Sheriffs in point of Conscience when Elected, that is here concerned. We Dedicate these Sheets therefore beforehand, to those who shall be solicited to be Candidates, for their Premeditation, and after to the Chosen. The Reasons from the beginning, for Printing this Case, are as follows.

1. To take the Oath, and Subscribe the Declaration in the literal strict Construction, appears, in our

judgment, unlawful; and consequently, unless by some means or other the sense be made publick in which a man does take them, (and that sense also be justifiable) he must forbear.

2. The Declaration is against the Consciences of the Nonconformists in general, insomuch as some Men who took the Oath, cannot subscribe the Declaration; and for any Consciencious Men therefore to do it now, and not declare their Reasons of Satisfaction, were to Sin against the Brethren if they own them, or to disclaim them.

3. By doing this, a Man shall give occasion to others to follow his Example, and if he present them not in his Grounds or Reasons, those that follow shall do it without the same Reasons, and through his knowledge shall such perish. But when ye sin so against the Brethren, and wound their weak Consciences, ye sin against Christ.

4. The Episcopal Party are generally apt to think the Nonconformists to be Hypocrites and Knaves, and say, These Men refuse these Injunctions out of humour, or for their profit, but they will swallow them as well as we for Honour, or for Advantage. If any considerate Men therefore shall Swear and Declare, and not give us some rational Account of what they do, (or some others for them) they must not only wrong themselves, but the whole Generation of such Men, and cause the Name of God (in regard to them) to be Blasphemed.

The

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# The First Sheet,

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Being The

# SHERIFFS CASE.

Whether, and How they may  
Lawfully Qualifie Themselves for their  
Holding the Office, according to the Act  
for Corporations.

**I**N this Act there are Two things imposed, An *Oath*, and  
A *Renunciation* of the *Covenant*. And we must lay  
down this \* *Rule* at first, That all Impositions of our  
Superiours, must be taken in the Sense and Meaning of  
those that Impose them: There need be no Scruple else in  
Submission to any thing enjoyned. The bottom is this; The  
*Law* is the *Will* of the *Lawgiver*; and it is the *Lawgiver's*  
*Meaning*, which is his *Will*, howsoever the Words of the *Law*  
is expressed.

\* To this Rule, there is a double Extreme: The *One* is of those who think; a  
Man must take every Imposition in the strict littleral Construction, and can submit  
to it no otherwise. The *Other* is of such who suppose, that if a Man can frame any  
Interpretation of his own, that is but reasonable, he may take the Words in  
that Sense, and be satisfied. The *first* of these is so rigid, that there is nothing  
can be imposed, but we shall strain at it; and the *last* so loose, that nothing can  
be

be imposed, but we shall swallow it. The true *Medium* is this, We must sit down, and consider what we believe to be the Meaning of the Lawgiver; and if we can submit to an Imposition, in that Sense or Meaning which we believe *theirs*, we must do it; but if we believe their Sense to be such, as we cannot take it in *that Sense*, we must forbear it, and suffer. Pray see more about this Rule, in a Book entituled, *A Peaceable Resolution of Conscience, touching our Present Impositions*, Pag. 121. to 126.

Not that when we *distinguish* the Words and the Meaning, we do *divide* them. An *Imposition* must be taken in the *very Words*, and the *Sense* of the Words, but the *Sense* of the Words must be the *Meaning* of the Lawgiver: Although there are Words sometimes also to be *understood*, when it is apparent either from the Subject-matter, or from other *Acts* where that Meaning is fully, or fuller declared. The Law it self now (we know) hath no *Meaning* or *Intention*, but the Lawgiver, or They that make it. The *Parliament* here is the Lawgiver, and this *Oath* then must be *taken*, and *Renunciation* made in the Sense and Meaning of the Major Part of the *Parliament* which passed the *Act*.

Here we must also premise thus much, That it is not for any *Sheriff*, *Alderman*, or any other Person upon whom this *Oath* is imposed, (for we must begin with *That*) to put a *Meaning* of his Own upon it, which is to be taken only in *Theirs* that passed the *Act*; but to consider verily, what he believes to be *that Meaning*, which is indeed the Lawgivers. Not to determine neither and say, *This is the Meaning*; but to be able to say, I \* *Believe* this to be their *meaning*, which is necessary to every one that takes it, to determine for himself, that he may act in Faith in what he does.

\* There is a Court then is set up for every one in his own Breast, Let him go to his Conscience, and ask, What thinks he really, as in the Presence of God, if he could ask the Imposers of these things; whether it is their Will, that he should be of another mind, in these Particulars that cross his Assent, or leave his Station? If his Conscience tells him, it is verily persuaded, that it was their Intention in the Injunction, he is to Honour God in his patient Suffering their Pleasure. But if he is persuaded in his Soul, that this is utterly against their Wills (and was), and that the things he scruples at, or as he scruples them, never came into their Minds unless to admit them, only they passed them in the gross, never intending that they should put a Barr in Conscience to any, and if he could ask them, he believes they would certainly allow him in them: Here he is (I suppose) to put such a Sense or Meaning then upon the Injunction; as may be favourable to his Scruples, and yield it his submission. Ex Libro Prædict. p. 125.



We must add, That when we say the *Parliament* is the *Lawgiver*, we understand by the *Parliament*, the *King*, *Lords* and *Commons*; and consequently, that the Sense of the *Law*, (and so of this *Oath*) must be always that Sense, wherein the *House of Lords* did concur with the *House of Commons*, and the *King* with *Both*. If there be any Sense therefore of an Imposition, which may be supposed to be the Meaning of the *King*, and not of the *Houses*; or of *One* of the *Houses*, and not the *Other*; or a *lesser* part of *either Houses*, and not the *majority of both*; that Sense must be still lookt on as too narrow, and ought not to scruple the Conscience: the true Sense obliging the *Subject*, being the *concurrent* Sense of the *King*, *Lords* and *Commons*, who as assembled joyntly to this end of Legislation, not *One* without the *Other*, but all *Three* together as *One Corporation* (and not otherwise) are the *Lawgiver*.

Neither is this sense to be collected, from the first floating Apprehensions of any one, that moves a matter in the *House*, but from the digested Thoughts of *both Houses*, after a mature Debate, and the thing hath thrice passed in them *both*; so that no Sense of any Imposition, but that which is agreeable to Reason, and more especially to the Fundamental Laws of the Constitution, must be received as the \* Meaning of a *Parliament*; the Reason being, because the nature of the *Constitution* is such, as it cannot be infringed by an Act or Law for the *Administration*.

\* When the Scripture is said not to be of private Interpretation, the Meaning is, that we must not put any Sense of Man, upon it, let it be never so reasonable; but we must still take the Sense of the Holy-Ghost, that inspired it; and if you ask, What is, or How shall we know what is the meaning of that Divine Author? The way is to compare one Text with another, and all with the Analogy of Faith, and Oeconomy of the Gospel. We must say the same of Laws. The *Law* is not of *Private Interpretation*, but the *Meaning* of the *Lawgiver*: and if you ask, how we shall know their meaning, we say likewise by this (as one way), the comparing one *Act* with other *Acts*, and all of them, by their Universal Consent with the Fundamental Constitution. See *Ibid.* 125.



This is a Note to be laid in here, that by and by will be needful: And thus much therefore farther, and no less being premised, we proceed.

By *taking Arms*, Let us suppose the *Sheriffs* believe the *Parliament* meant the raising an Army, or War; and by the *King*, the *King's* own Sacred Person, as there is nothing else indeed can be meant: And we can see no \* Objection, which may not be answer'd from this Little, in the First Clause of the Oath. *I A. B. do swear, That I hold* (These words, *I hold, I believe*, or the like, must doubtlesly be understood) *it is unlawful to Take up Arms against the King*, (His Authority, or Rightful Government) *upon any Pretence whatsoever.*

\* The only Objections here which are of weight, may be reduced to two Cases. One is the Case of *Private* violence, as suppose a Prince should go to Ravish a Virgin, and she catches up the next Weapon or Instrument to defend her self. In this Case, or the like, we answer, this Defence is not to be accounted *taking Arms* in the sense of this Act. The other is a Case of *Publick* violence; as suppose a Prince should go about to alienate his Kingdom, or ruine his Country, or the like. We answer, we are not for all that to return violence upon his Person; and as for his Officers, Followers, or Armies, the Solution must be attended in the next Clause of the Oath.

If *David's* Heart smote him for cutting off but *Saul's Skirt*, when he was actually in Arms to defend himself against *Saul's Forces*, only because he was the *Lord's Anointed*: It is not in this first Clause (any one may conjecture) but in the ensuing, where the chief Scruples against the *Oath* are to be removed.

In the Second Clause, By *those Commissionated by Him*, let us suppose they believe the *Parliament* meant, & could mean, no other than such as have a due Authority from Him, and exercise it only according to Law: And so long as the *King's Authority*, and *such Commissions* are one, (or the same,) we can see no more difficulty remaining in the Second Clause, than in the former: *And I do abhor* (that is, *disown* or *disclaim*) *that Trayterous Position, of taking Arms by his Authority against His*

*His Person, or against any Commissioned by Him, in the pursuit of such Commissions :* That is, *Legally Commissioned by Him, in the Legal pursuit of such Commissions.*

It is not to be imagined, that the *Parliament*, when they passed this *Act*, (that is, the *Major* part of them) should design the setting up an Arbitrary Government in the Nation : But if the meaning of *those Commissioned by Him*, be otherwise than thus, they must design it. An *Arbitrary Power*, as soon as they passed this Clause in any *Act*, must be accounted to *Commence*, or be declared to be alwayes the Right of the *King*. A thing most absurd to be believed, and in the contrary Belief whereof, the most scrupulous Man (we thank God) may resolvedly take this Oath.

In the Third Clause, we distinguish an *Endeavour* to *change* or reform any thing in Church or State, which we think conducive to the good of the Nation in a *Parliamentary* way only, as is allowed by the Fundamental Law and Course of the Realm, from an *Endeavour* in any other way that is not warranted by the same ; to wit, in a seditious way, or in such manner *as they did in the late Times*, when they endeavoured the Extirpation of Prelacy by force *against*, and *without* the *King's* Consent in *Parliament*, (which may be believed to be the assured Sense of the Majority in the *Houses*, when they passed this *Act*) and so long *as to do so* \* *now*, may be acknowledged (as assuredly) to be unlawful, and what ought to be disclaimed, the offence must be over in the last part of the *Oath* also : *And that I will not endeavour any Alteration of Government either in Church or State ;* to wit, in any manner not warranted by the *Constitution* of the *Land*, or any otherwise, than by *Act* of *Parliament*.

\* It may be said, the *Parliament* raised Armes, before they declared Endeavours to *Extirpate Prelacy*, and condemn the whole *Parliament War*, when they would have us declare it unlawful *to do that Now*, which they did *Then* (or, as of late hath been Practised, to use the Words of the Militia Acts) : But let this be granted, it follows, Then must their Meaning here indeed be, that we are not to endeavour.

your any Alteration of Government in *the Way they did then* (which, being out of doubt of, the *Sheriffs* can Swear); but nothing more, we are sure, is condemned in *This Clause of the Oath*, whatsoever else be intended in the *former Clauses* of it, and the *Militia Acts*, in regard to the *Beginning* of the War, as well as the *Progress* of it: And as for that point, Whether in the peculiar Case of those times, there was any thing might be lawful, or any way justifiable to be done *Then* (when the *King and Houses* (the One Corporation) were divided, and he had passed an *Act* not to Dissolve them without their Consent, which is a Case never like to happen any more, and so no danger to put it) which *Now* is certainly unlawful, is a Question we have nothing to do with, and interpose nothing to offend any.

The Preamble of the *Oxford Act*, (where the same Oath is imposed on the *Nonconformist* Ministers) declaring it to be made, for the preventing the Opportunity of their instilling into Folks the Principles of *Schism* and *Rebellion*, may give some Credit to this Exposition: But it is this one clear Reason or Argument we rest upon, for our Confirmation in it. The great Thing intended by this Oath, is the Preservation of the Government, in the Fundamental Constitution, against all Alteration. But the Constitution of our Government being such in the *Foundation*, that whatever is needful or convenient to be altered, it may be proposed to that end in Parliament: to take away that Liberty which is universally radicated in the whole Nation in order thereunto, were a piece of the greatest Alteration that could be, and consequently never to be understood, as intended by the *Lawgiver*.

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As for the *Solemn League and Covenant* (the Renunciation whereof, is the Second thing here imposed) it is an *Oath* so long since in Being, *that*, 'tis two to one but Both the *Sheriffs* that shall be Chosen, (as well as those of late before them) never took; so that they may safely say, there lies no Obligation upon them at all from it; And as for others that did, we humbly conceive, that being taken in it's *Complex Consideration*, as it was pressed and used at that time, for the engagement of the People to the Extirpation of the *Bishops*, and Change of Church-Government without the King, against  
His

His Consent and Publick Declarations, and by Force ; it must needs be *Unlawful*, and could not bind any body *to do so* : and consequently we trust, that such Gentlemen shall not offend God, or any good Men, if they farther subscribe this Declaration, which is also required : *I. A. B. do declare, That I hold there lies no Obligation on me, or on any other Person, from the Oath commonly called, The Solemn League and Covenant, to endeavour any Change or Alteration of Government either in Church or State ; And that the same was in it self an unlawful Oath, and imposed on the Subjects of this Realm, against the known Laws and Liberties of the Kingdom.*

We confess here, that these Words, [*to endeavour any Alteration of Government in Church or State*] were put in by the Author, unwittingly thinking them to be in this *Act*, because they are in others, and it passed two Impressions, without any Knowledge of ours, that it was otherwise : But now do we let them stand, *de Industria*, because it appears, they are to be \* understood, both from *other Acts*, The *Uniformity Act*, The *Vestry Act*, The *Oxford Act*, which have the same Declaration with these words in it (wherein we are yet more confirm'd by that *Act*, where it is made a *Premunire* to say, There lies an Obligation upon any from this Oath, the *Obligation* being expressed, *to do thus*) : As also, from the *Nature of the Thing* ; for so long as the Meaning of the Law-giver is the Rule we go by, let us but suppose we could go to the same *Parliament*, Man by Man, & ask them, Was it your Meaning by this Declaration, that any Man, who took that *Covenant*, should profess, that he is not bound to reform his Life, to repent of his Sins, to eschew *Profaneness*, *Popery*, & *Schism*, or the like things they then covenanted to do, because that Oath in some respect otherwise was unlawful ; the Generality, without Question, would Answer No, by no means ; but our meaning was onely, that there lies no Obligation on any from that *Covenant*, to endeavour to *Extirpate Prelacy*, as it was there, or any *Alteration of Government*, as it is expressed

pressed by us in other Acts. This being supposed then the undoubted Meaning, we go on.

\*The Meaning of a Law (or of the Law-giver) may be gathered from the Preamble of some Acts; the common understanding of the many; the special Judgment of the Wise; the Discourſing with ſome of thoſe that made the Law; which ſeem- ing it cannot be with all, or the greateſt part, that which ſeems moſt ſatisfactory is, when the ſame Perſons (or *Parliament*) do ſignifie their Mind by their own Words in ſome other Act or Acts: And this being the Caſe here, we ſee not but ſome men may be as verily perſwaded, that theſe Words are to be ſupplied, or that this was the *Parliament's* Meaning, as if the Generality could be aſked, and they had told them, This it was. However, let the *Medium* be what it will, whereby a Man comes to the Reſolution of his Belief about the Impoſers Meaning in this or any the like Impoſition, when he is once brought to a ſettled Perſwaſion and Conviction, that This or That, and no Other was their Meaning, if he can ſub- mit to the Words in the full Latitude of that Meaning, as he is fully perſwaded in his Conſcience, is all they intended in ſuch or ſuch an Injunction; then is he free to his own Determination. See *Peac. Ref.* before quoted. p. 114.

By ſome of the laſt words of the Declaration it appears, that this *Oath* was framed for the *Subjects of the Realm*, (we ſay, that this *Oath* (i.e. the *Covenant*) was, in the meaning of the Impoſers of this Declaration, the *Subjects Oath*, and conſequent- ly by the words, or any other Perſon, they muſt mean, or any other Subject :) which appears alſo manifeſtly in the preamble of it; *We Noblemen, Barons, Knights, Gentlemen, Citizens, Bur- geſſes, Miniſters of the Goſpell, and Commons of all ſorts, be- ing under the King.* There is one part of it moreover expreſs for the *preſervation of the King*; we do ſuppoſe therefore, that though an *Oath* to the ſame main effect, or one like it, was impoſed on *this King* by the *Scots*, that *Oath* muſt be con- ceived another than this, and not the very ſame, being not ſo in every point, but an *Oath* indeed (as they call'd it) to confirm the *Covenant*, when He offer'd this very Exception againſt ta- king the *Covenant* it ſelf, becauſe it was an *Oath* for the *Sub- jects* only.

And that *that Oath* the *King* took, was indeed Another, or One purpoſely framed for Him, any that will, may ſee in the *Form of his Coronation*, in *Douglas Sermon.* I CHARLES, King, do aſſure and declare by my Solemn Oath, my Allowance of the So- lemn League, and engage my ſelf to Proſecute the ends thereof, with other words ſet down there, p. 19.

And



And this being enough to save the Conscience in *one chief* Scruple, (and chiefest one,) we will gather up again what is said before into *one Argument* (which we fix upon) for a fuller satisfaction in regard to *all others*. To own the *King* and his Authority in the same *Oath*, and yet to swear to change the Government *without His Will*, and *against it*, is (we think) *in it self unlawful*. Such an *Oath* was the Covenant; and *Qua* unlawful, it must be unobligatory.

And what indeed shall now hinder these Sheriffs to subscribe, That there lies no obligation upon them, or others, from the Covenant, *to endeavour any Alteration of Government*, in that sense as they swear before, that they *will not endeavour any*, in the third clause of the Oath preceding? For so long as the meaning of the Lawgiver, is no other than *That* which is made to appear there, upon the account given, and the *Endeavour* which is here, and which is there, is the same out of doubt; we do not see but the Reason which does satisfy any Man upon the Point about taking the *Oath*, must be sufficient for the *Declaration* also. In short, *There lies no obligation upon any from this Oath, to do as they swore to; It is in it self unlawful to do so; and the Imposition of it was \* illegal.*

\* It must be confessed, that the voluntary Omission of these words that are to be understood in this *Declaration*, and the designed Opposition to the whole Proceeding of the *Parliament* in those times, without distinguishing Right from Wrong, in the *Oath*, and the high Strain of the *Militia Acts*, which seems to dispossess the Subject of all Defence, against any Commission of the *King*, be it what it please, are enough to make any searching Man indeed believe, that the Meaning of the *Contrivers, Hatchers, and Compilers* of such Impositions, who for promoting their own Interest could find in their hearts to be Villains to the Common wealth, and the Souls of Men, was more than thus: But we Answer, By distinguishing onely, *These* are not the *Lawgiver*. The *Lawgiver* is the Generality of *Both Houses* with the *King*, who are never to be supposed Underminers of our Rights, or to have any evil Meaning, but to convene for Consultation about the Common Good; and whatsoever Laws do pass, they are to be believed to carry in them the Reason of Publick Benefit, or else they are no Laws. *Quod non habet rationem publici commodi non potest præstare legem*, say the Schools; and it is a Rule laid down to satisfy all, by the Lord Coke. *Quando Lex generaliter sequitur restringenda tamen est ut cessante ratione et ipsa cesset; Cum enim ratio sit anima legis, non videtur Legislator id sensisse quod ratione careat, etiam si generalitas prima facie aliter possit suadere.* Institut. Par. 4. C. 74.



In the Sacred Story concerning *Rahab* and the *Spies*, it appears that no body can be engaged any farther by an *Oath*, then what he agrees or consents to in the taking it. Where he declares before-hand he will not be bound, he is free. We cannot tell how much *larger*, or how much *narrower* a *Compass* others may draw to themselves from that *Instance*, than we: But we will come to this Conclusion. We have laid down the *Rule* we are to walk by in these *Impositions*, and applied it to this *Oath* and *Subscription*. If any Man is perswaded in his Conscience, that the Meaning of the *Lawgiver* was no more than thus, he may submit to them Both, and make no stand: But if he believes their Meaning was otherwise (or doubts that it was more than thus,) he cannot *Swear* or *Subscribe*, but with *Limitations*; and he must declare those *Limitations*, or *Forebear*. But if he shall *Swear* or *Subscribe* (supposing him one that doubts) with *making a Declaration* for himself (if this Paper will not serve for *All*) when he Takes the *Oath*, and Subscribes the *Renunciation* enjoyn'd, that he does it *in this Meaning*, which we have all along expressed, supposing it true, and with these *Explanatory Limitations* to the meaning, if in any thing indeed it be otherwise, and so give (or throw) in this Paper to the Persons before whom he is to do it; we are perswaded, that his *Conscience* may receive Satisfaction thereby in his compliance with the \* *Law* in these *Impositions*.

\* In Mr. *Baxter's* Funeral Sermon upon that holy Citizen Mr. *Ashurst*, we take notice of this passage. Some may think that he wanted a Publick Spirit, because he avoided being a Magistrate, and payed his Fine rather than take an Aldermans Place; but it was only to keep the Peace of his Conscience—Yet I never heard him speak uncharitably of those Worthy Men who do what he refused, supposing that they, in words or writing, declared as openly as they swore and took the Declaration, that they took it but in such or such a lawful sense; though he could not do so himself.

Whether they receive the Paper, and admit of your sense or not, it is no matter; for they have no Power about it, and the thing will be alike Known. And thus have we lent our hands to get the Concern'd over these blocks, and yet so, as to deliver also our Souls,

The